

Senate File 514

S-3086

1 Amend Senate File 514 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 683.1 Prohibition of certain
5 actions resulting from the criminal or unlawful use of a firearm,
6 firearm accessory, or ammunition by a third party — definitions.

7 1. As used in this chapter, unless the context otherwise
8 requires:

9 a. "*Ammunition*" means any projectile capable of being
10 expelled or propelled from any firearm by the action of
11 a propellant, any cartridge or shotshell designed for the
12 purpose of expelling such a projectile from a firearm, and any
13 component parts thereof.

14 b. "*Firearm*" means any weapon that is capable of expelling,
15 designed to expel, or that may readily be converted to expel
16 ammunition.

17 2. A person shall not bring or maintain an action against
18 a firearm, firearm accessory, or ammunition manufacturer,
19 importer, distributor, trade association, seller, or dealer for
20 any of the following:

21 a. Recovery of damages resulting from, or injunctive
22 relief or abatement of a nuisance, statutory or in common law,
23 relating to the lawful design, manufacture, marketing, or sale
24 of a firearm, firearm accessory, or ammunition.

25 b. Recovery of damages resulting from the criminal or
26 unlawful use of a firearm, firearm accessory, or ammunition by
27 a third party. All defenses provided for in section 668.12
28 shall apply to actions under this section.

29 Sec. 2. NEW SECTION. 683.2 Fees and costs awarded for
30 prohibited actions.

31 If a court finds that a party has brought an action under a
32 theory of recovery described in section 683.1, subsection 2,
33 the finding constitutes conclusive evidence that the action is
34 groundless, and the court shall dismiss the claim or action and
35 award to the defendant any reasonable attorney fee and costs

SF514.1526 (1) 89

(amending this SF 514 to CONFORM to HF 621)

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1 incurred in defending the claim or action.

2 Sec. 3. NEW SECTION. **683.3 Allowable actions.**

3 This chapter shall not be construed to prohibit a person from
4 bringing or maintaining an action against a firearm, firearm
5 accessory, or ammunition manufacturer, importer, distributor,
6 trade association, seller, or dealer for recovery of damages
7 for any of the following:

8 1. Breach of contract or warranty concerning firearms,
9 firearms accessories, or ammunition purchased by a person.

10 2. Damage or harm to a person or to property owned or leased
11 by a person caused by a defective firearm, firearm accessory,
12 or ammunition.

13 3. Injunctive relief to enforce a valid statute, rule, or
14 ordinance. However, a person shall not bring an action seeking
15 injunctive relief if that action is barred under section 683.1,
16 subsection 2.>

17 2. Title page, by striking lines 1 through 3 and inserting
18 <An Act establishing which actions may be brought against
19 firearm, firearm accessory, and ammunition manufacturers,
20 distributors, importers, trade associations, sellers, or
21 dealers.>

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